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REMARKS

Claims 1-54 are pending in the application. The position set forth in the Office Action has been carefully considered. Reconsideration is respectfully requested.

L REJECTIONS OF CLAIMS 1-54 UNDER 35 U.S.C. § 103

Claims 1-54 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over a combination of U.S. Patent No. 6,031,841 (Woundy) and U.S. Patent No. 6,510,162 (Fijolek). Applicants believe that all pending claims are allowable for at least the following reasons. Withdrawal of the rejection is respectfully requested.

The invention of claims 1, 21, 42, and 54 is directed to mechanism for sniffing data. Specifically, independent claim 1 requires "*copying the received message including at least payload and sending the copied message including at least payload to a memory device.*" Other independent claims 21, 42, and 54 contain recitations similar to those of independent claim 1.

In the Response to Arguments section, the Action cites Fig. 1, and column 3, lines 22-34 of the Woundy patent as allegedly describing receiving and storing the new SID and filter spec. Then, the Office Action at page 2, lines 16-20 asserts that "the SID and filter spec ... are actually the key data or payload" However, the Action does not provide any basis for this conclusory assertion. Nor does the cited portion (i.e., Woundy, column 3, lines 22-34) provide basis for such a conclusion.

The above-identified cited portion of the Woundy patent merely describes that the cable modem receives the Dynamic Session Addition MAC message, stores the new SID and filter spec, and sends a Dynamic Session Acknowledgment MAC message. Nothing in the Woundy patent teaches or suggests that the SID and filter spec are in fact payload. Applicants respectfully respect that the Examiner spell out the technical details in rejecting the claims by specifically pointing out the basis or reasoning for the asserted legal conclusion. Therefore, it is respectfully submitted that all pending claims are allowable over the cited art.

The Examiner's rejections of the dependent claims are respectfully traversed. However to expedite prosecution, all of these claims will not be argued separately. Claims 2-20, 22-41, and 43-53 each depend either directly or indirectly from independent claims 1, 21, and 42 and, therefore, are respectfully submitted to be patentable over cited art for at least the reasons set forth above with respect to independent claims 1, 21, 42, and 54. Further, the dependent claims require additional elements that when considered in context of the claimed inventions further

patentably distinguish the invention from the cited art. Withdrawal of the rejections is respectfully requested.

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II. CONCLUSION

Applicants believe that all pending claims are in condition for allowance, and respectfully request a Notice of Allowance at an early date. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 510-663-1100, ext. 245.

Respectfully submitted,
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